IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 438 of 2007(B)

PETITIONER:

K. AHAMMED, AGED 56,
S/O. MOIDEEN KUNHI, KAJAKODI HOUSE, P.O. KADAMBAR,
MANJESWARAM (VIA), KASARGOD.

BY ADV. SMT.R.PADMAKUMARI

RESPONDENTS:

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1. KERALA STATE HOUSING BOARD,
REPRESENTED BY ITS SECRETARY, TRIVANDRUM.

2. ASSISTANT SECRETARY,
KERALA STATE HOUSING BOARD, KASARGOD DIVISION II,
KASARGOD.

BY ADV. SRI.P.M.RAMACHANDRAN NAIR, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.438 of 2007

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Dated this the 19th day of January, 2007.

JUDGMENT

The petitioner has availed a house building loan from the Housing Board in 1996. However, petitioner did not choose to remit instalments which led to recovery proceedings. In 2000, petitioner approached this court and got instalment facility to clear the arrears in six equal monthly instalments. The petitioner did not comply with the same and consequently RR proceedings are initiated again against which this W.P. is filed. Since loan period is over now, the petitioner has to necessarily clear the arrears without any delay, failing which recovery will be continued. The Housing Board has granted OTS benefit till 31.12.2006. The petitioner obviously did not bother to settle liability under OTS scheme which provided substantial incentives. In any case since last OTS scheme expired on 31.12.2006, I feel respondents should still grant OTS benefit provided petitioner co-operates and abides by the order of the Housing Board. In the circumstances, as a last chance, one more opportunity is granted to the petitioner to settle liability under OTS scheme. In order to establish the bonafides, the petitioner will pay rupees one lakh which is not even 10% of

the liability as of now and make an application for OTS benefit to the Housing Board within six weeks from now and if any such application is filed, the Housing Board will grant it under the prevalent scheme and if not, grant benefits under the OTS scheme that expired on 31.12.2006. The petitioner will be granted reasonable time to pay the balance arrears under the OTS scheme so granted. However, if default is committed, then the incentives granted will stand automatically cancelled and the Housing Board will take over possession and sell the property in recovery proceedings.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms